

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:16-cr-0173-TWP-MJD
)	
EJONTE MALEEK CISSELL,)	- 03
)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 24, 2021, the Court held a hearing on the Petitions for Warrant or Summons for Offender Under Supervision filed on August 22, 2019, August 10, 2020, and July 9, 2021. Defendant Cissell appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Will McCoskey, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Nutter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Cissell of his rights and provided him with a copy of the petition. Defendant Cissell orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Cissell admitted violation number 3. [Docket No. 138.] Government orally moved to withdraw the remaining violations and the opiate use alleged in violation number 3, which motion was granted by the Court.
3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall refrain from any unlawfully use of a controlled substance.”**

On July 1, 2021, Mr. Cissell tested positive for cannabinoids use. On July 8, 2021, Mr. Cissell admitted he consumed THC edibles on or about June 29, 2021. He denied consuming any prescription medication or any additional drugs. That same day, Mr. Cissell tested positive for cannabinoids.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is I.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 3 to 9 months’ imprisonment.

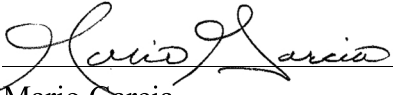
5. The parties jointly recommended a sentence of three (3) months with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of three (3) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 9/28/2021



Mario Garcia
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system